THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL NO :1359 of 2005

Dated: 22.08.2005

Between:

1. The Regional Manager, APSRTC., Karimnagar Region, Karimnagar District & Two others.

..Appellants

Vs.

J.R. Swamy, S/o Raghiah. **…. Respondent**.

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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JUDGMENT: (Per the Honourable Smt Justice T. Meena Kumari)

This writ appeal is filed by the appellants aggrieved by the order passed by this Court in W.P.No.10518 of 2005, dated 29.04.2005.

The respondent herein is the writ petitioner.

Originally, the writ petition was filed seeking a direction in the nature of writ of mandamus, to declare the action of the 3rd respondent in issuing proceedings No.02/104 (31) 88-HZBD dated 03.8.1988 as illegal and to set aside the same.

It is the case of the writ petitioner that on the allegation of cash and ticket irregularities, the 3rd respondent, without conducting any enquiry and without considering his explanation to the charge sheet issued by the 2nd respondent, passed the proceedings dated 03.08.1988 imposing punishment of deferment of annual increments for a period of two years, which shall have effect on postponement of future increments. The petitioner carried the matter in appeal and the same was dismissed on the ground of limitation. Aggrieved by the same, the petitioner filed the above writ petition. The learned Single Judge having observed that the punishment has been imposed without conducting any enquiry and such a major punishment must be preceded by a regular departmental enquiry, reduced the punishment of deferment of annual increments for a period of two years with cumulative effect and accordingly, disposed of the writ petition. Aggrieved by the same, the respondents-Corporation preferred the present appeal.

Heard the learned Counsel and perused the order under appeal and the material available on record.

A perusal of the proceedings impugned in the writ petition dated 3.8.1988 clearly goes to show that an enquiry has been conducted by the appellant-Corporation, but it has not been brought to the notice of the learned single Judge. Apart from that, as can be seen from the record, it is apparent that the petitioner has moved this Court after a lapse of 17 years. From this, it can be inferred that there are no bonafides on the part of the petitioner in approaching this Court at a belated stage.

In this view of the matter and in view of the fact that the fact as to the conducting of the enquiry has not been brought to the notice of the learned single Judge, We have no hesitation to hold that the order impugned in the writ petition has been passed only after a due enquiry and therefore, the order of the learned single

Judge, suffers from legal infirmity and thereby, the same is liable to be set aside.

Accordingly, the writ appeal is allowed setting aside the order of the learned single Judge. Consequently, the writ petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 22.08.2005
Nn/rkk.